

second port 44 to connect said apparatus to a packet based telecommunication network (WAN or internet), and a gateway means 42 for establishing a path between said first port and said second port inside said apparatus in response to a request imbedded in an incoming call via said second port.

This statement is not supported by the '764 reference.

Jones et al. describes a telecommunications apparatus 10 ("Network Premises Gateway" in Figs. 1-3) comprising three main ports. A first port connects the apparatus 10 to a public services telephone network 16 ("PSTN" in Fig. 5). A second port connects the apparatus 10 to a WAN or Internet 12. These two ports correspond to the first and the second port, respectively, recited in claim 1 of the present application. The third port connects the apparatus 10 to an In Home POTS Network (20 in Figs. 3 and 5). The POTS network is defined as "the customer's existing plain old telephone service (POTS) equipment operating in its current fashion." (Jones et al. at col. 2, lines 3-5).

The purpose of the Network Premises Gateway apparatus 10 is to enable the POTS 26 to receive calls from and initiate calls to either of the two telecommunications networks 16 or 12. This function is performed by a telephony subsystem 34, which is shown as a block in Fig. 4, and described in more detail with reference to Fig. 5.

Item 40 in Jones et al. referenced by the Examiner as "a first port 40" is not a port. Instead it is a "POTS interface" (Fig. 5) with two ports, one connected to the PSTN 16, and another port connected to the in-premises POTS network 20. Item 42 in Jones et al. creates a path between the POTS network 20 and the WAN network 12. It does *not* create a path between the POTS network 20 and the WAN network 12. It does *not* create a path between the PSTN network 16 and the WAN network 12.

The POTS is just an agglomeration of plain old telephones 26. It is *not* a "circuit switched telecommunication network" as recited in claim 1 for the first port. Jones et al. does not teach or suggest that a path may be established between the PSTN and the IP network, only that both PSTN based calls and Internet based calls may be routed to existing plain old telephones (POTS) 26 on the premises.

In view of the foregoing, the Jones et al. reference does not disclose or suggest an apparatus comprising "gateway means" as recited in claim 1 for establishing a path between a circuit switched telecommunication network (PSTN) (via the first port) and a packet based telecommunication network (WAN or internet) (via the second port). Neither does Jones et al. teach or suggest that a gateway means inside the apparatus may be controlled "in response to a requested imbedded in an incoming call" as recited in claim 1. The present invention as recited in claim 1 is accordingly not anticipated by the Jones et al. reference.

REJECTION UNDER 35 U.S.C. §103(a) (Claim 4):

In the Office Action, at page 3, numbered paragraph 4, independent claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jones et al. (US Patent 6,404,764 B1). This rejection is traversed and reconsideration is requested.

Claim 4 differs from claim 1 basically in the added feature "whereby said telecommunication apparatus can serve as part of a distributed gateway system between said circuit switched telecommunication network and said packet based telecommunication network."

The Examiner uses the same arguments against the main parts of claim 4 as set forth above with reference to claim 1, but acknowledges that Jones et al. fails to teach that said telecommunication apparatus can serve as part of a distributed gateway system between said circuit switched telecommunication network and said packet based telecommunication network, as recited in claim 4 of the present invention. He states that it would have been obvious to one skilled in the art to use the device as taught by Jones et al. as part of a distributed gateway system, because such an arrangement occupies less space and still serves the same purpose.

This argument is flawed, because *the apparatus described in Jones et al. can not serve as a gateway as recited for the present invention*, as explained above with reference to claim 1.

The Examiner understands that it would be advantageous to use a telecommunication apparatus to serve as a gateway between two telecommunication networks as part of a distributed gateway system. However, the Jones et al. apparatus or the '764 reference does not teach or suggest such a possibility. The fact that Jones et al. missed this important

improvement in the art further evidences that the present invention would not have been obvious to one skilled in the art.

REJECTIONS UNDER 35 U.S.C. §§102(e) AND §103

In the Office Action, at numbered paragraphs 2, 5 and 6, claims 2-3 and 5-7 were variously rejected in view of the prior art references. However, since claims 2 - 3 and 5 - 7 are dependent claims, they should be allowable at least for the same reasons as set forth above for allowance of independent claims 1 and 4.

CONCLUSION:

The present invention as claimed is not anticipated by the Jones et al. reference or any other known reference, nor is it obvious in view of such references.

The present invention provides an important advance in the art of Internet telephony, as explained in the application specification.

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

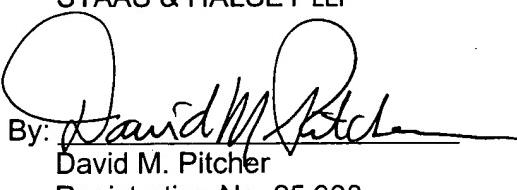
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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